

By: Watson

S.B. No. 1922

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the funding of the designated trauma facility and
3 emergency medical services account through the imposition of court
4 costs on persons convicted of certain driving-related offenses.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 102.022(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) In this article, "moving violation" means an offense
9 that:

10 (1) involves the operation of a motor vehicle; and

11 (2) is classified as a moving violation by the
12 Department of Public Safety under Section 542.304 [~~708.052~~],
13 Transportation Code.

14 SECTION 2. Subchapter A, Chapter 102, Code of Criminal
15 Procedure, is amended by adding Article 102.023 to read as follows:

16 Art. 102.023. COURT COSTS: DESIGNATED TRAUMA FACILITY AND
17 EMERGENCY MEDICAL SERVICES ACCOUNT. (a) In this article, "offense
18 relating to the operating of a motor vehicle while intoxicated" has
19 the meaning assigned by Section 49.09, Penal Code.

20 (b) In addition to all other costs on conviction imposed by
21 this chapter, a person shall pay:

22 (1) \$1,500 as a court cost on conviction of an offense
23 relating to the operating of a motor vehicle while intoxicated,
24 except that the amount of the court cost on conviction is:

1 (A) \$2,250 for a second or subsequent conviction
2 within a 36-month period; and

3 (B) \$3,000 for a first or subsequent conviction
4 if it is shown on the trial of the offense that an analysis of a
5 specimen of the person's blood, breath, or urine showed an alcohol
6 concentration level of 0.16 or more at the time the analysis was
7 performed;

8 (2) \$375 as a court cost on conviction of an offense
9 under Section 521.457, 601.191, or 601.371, Transportation Code; or

10 (3) \$150 as a court cost on conviction of an offense
11 under Section 521.021, Transportation Code.

12 (c) For purposes of this article, a person is considered
13 convicted if:

14 (1) a sentence is imposed on the person;

15 (2) the person is placed on community supervision,
16 including deferred adjudication community supervision; or

17 (3) the court defers final disposition of the person's
18 case.

19 (d) Court costs under this article are collected in the same
20 manner as other fines or costs. An officer collecting the costs
21 shall keep separate records of the money collected as costs under
22 this article and shall deposit the money in the county or municipal
23 treasury, as appropriate.

24 (e) The custodian of a county or municipal treasury may
25 deposit money collected under this section in an interest-bearing
26 account. The custodian shall:

27 (1) keep records of the amount of money on deposit

1 collected under this article; and

2 (2) send to the comptroller before the last day of the
3 first month following each calendar quarter the money collected
4 under this article during the preceding quarter.

5 (f) A county or municipality may retain five percent of the
6 money collected under this section as a service fee for the
7 collection if the county or municipality remits the funds to the
8 comptroller within the period prescribed by Subsection (e). The
9 county or municipality may retain any interest accrued on the money
10 if the custodian of the treasury keeps records of the amount of
11 money on deposit collected under this article and remits the funds
12 to the comptroller within the period prescribed by Subsection (e).

13 (g) If no money due as a cost under this article is deposited
14 in a county or municipal treasury in a calendar quarter, the
15 custodian of the treasury shall file the report required for the
16 quarter in the regular manner and must state that no money was
17 collected.

18 (h) The comptroller shall deposit the money received under
19 this article to the credit of the designated trauma facility and
20 emergency medical services account under Section 780.003, Health
21 and Safety Code.

22 SECTION 3. Section 1001.257, Education Code, is amended to
23 read as follows:

24 Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not
25 issue or renew a driver education instructor license, including a
26 temporary license, to a person who has been convicted of:

27 (1) three or more moving violations described by

1 Section 542.304, Transportation Code, including violations that
2 resulted in an accident; or

3 (2) two or more moving violations described by Section
4 542.304, Transportation Code, that resulted in an accident [~~six or~~
5 ~~more points assigned to the person's driver's license under~~
6 ~~Subchapter B, Chapter 708, Transportation Code].~~

7 SECTION 4. Subchapter B, Chapter 102, Government Code, is
8 amended by adding Section 102.02135 to read as follows:

9 Sec. 102.02135. ADDITIONAL COURT COSTS: TRANSPORTATION
10 CODE. A person shall pay the following under Article 102.023, Code
11 of Criminal Procedure, in addition to all other costs, to be used to
12 fund the designated trauma facility and emergency medical services
13 account:

14 (1) court cost on conviction of an offense relating to
15 the operating of a motor vehicle while intoxicated, as defined by
16 Section 49.09, Penal Code (Art. 102.023(b)(1)) . . . \$1,500;

17 (2) court cost on conviction of an offense relating to
18 the operating of a motor vehicle while intoxicated, as defined by
19 Section 49.09, Penal Code, for a second or subsequent conviction
20 (Art. 102.023(b)(1)(A)) . . . \$2,250;

21 (3) court cost on conviction of an offense relating to
22 the operating of a motor vehicle while intoxicated, as defined by
23 Section 49.09, Penal Code, for a first or subsequent conviction if
24 an alcohol concentration level of 0.16 or more is shown on the trial
25 of the offense (Art. 102.023(b)(1)(B)) . . . \$3,000;

26 (4) court cost on conviction of an offense under
27 Section 521.457, 601.191, or 601.371, Transportation Code (Art.

1 102.023(b)(2)). . . \$375; and

2 (5) court cost on conviction of an offense under
3 Section 521.021, Transportation Code (Art. 102.023(b)(3)). . .
4 \$150.

5 SECTION 5. Section 411.110(f), Government Code, is amended
6 to read as follows:

7 (f) The Department of State Health Services may not consider
8 offenses described by [~~for which points are assessed under~~] Section
9 542.304 [~~708.052~~], Transportation Code, to determine whether to
10 hire or retain an employee or to contract with a person on whom
11 criminal history record information is obtained under this section.

12 SECTION 6. Section 773.0614(b), Health and Safety Code, is
13 amended to read as follows:

14 (b) For purposes of Subsection (a), the department may not
15 consider offenses described by [~~for which points are assessed~~
16 ~~under~~] Section 542.304 [~~708.052~~], Transportation Code.

17 SECTION 7. Section 773.06141(a), Health and Safety Code,
18 is amended to read as follows:

19 (a) The commissioner may suspend, revoke, or deny an
20 emergency medical services provider license on the grounds that the
21 provider's administrator of record, employee, or other
22 representative:

23 (1) has been convicted of, or placed on deferred
24 adjudication community supervision or deferred disposition for, an
25 offense that directly relates to the duties and responsibilities of
26 the administrator, employee, or representative, other than an
27 offense described by [~~for which points are assigned under~~] Section

1 542.304 [~~708.052~~], Transportation Code;

2 (2) has been convicted of or placed on deferred
3 adjudication community supervision or deferred disposition for an
4 offense, including:

5 (A) an offense listed in Sections 3g(a)(1)(A)
6 through (H), Article 42.12, Code of Criminal Procedure; or

7 (B) an offense, other than an offense described
8 by Subdivision (1), for which the person is subject to registration
9 under Chapter 62, Code of Criminal Procedure; or

10 (3) has been convicted of Medicare or Medicaid fraud,
11 has been excluded from participation in the state Medicaid program,
12 or has a hold on payment for reimbursement under the state Medicaid
13 program under Subchapter C, Chapter 531, Government Code.

14 SECTION 8. Section 780.002, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 780.002. DEPOSITS TO ACCOUNT. The comptroller shall
17 deposit any gifts, grants, donations, and legislative
18 appropriations made for the purposes of the designated trauma
19 facility and emergency medical services account established under
20 Section 780.003 to the credit of the account. [~~(a) On the first~~
21 ~~Monday of each month, the Department of Public Safety shall remit~~
22 ~~the surcharges collected during the previous month under the driver~~
23 ~~responsibility program operated by that department under Chapter~~
24 ~~708, Transportation Code, to the comptroller.~~

25 [~~(b) The comptroller shall deposit 49.5 percent of the money~~
26 ~~received under Subsection (a) to the credit of the account~~
27 ~~established under this chapter and 49.5 percent of the money to the~~

1 ~~general revenue fund. The remaining one percent of the amount of~~
2 ~~the surcharges shall be deposited to the general revenue fund and~~
3 ~~may be appropriated only to the Department of Public Safety for~~
4 ~~administration of the driver responsibility program operated by~~
5 ~~that department under Chapter 708, Transportation Code.~~

6 ~~[(c) Notwithstanding Subsection (b), in any state fiscal~~
7 ~~year the comptroller shall deposit 49.5 percent of the surcharges~~
8 ~~collected under Chapter 708, Transportation Code, to the credit of~~
9 ~~the general revenue fund only until the total amount of the~~
10 ~~surcharges deposited to the credit of the general revenue fund~~
11 ~~under Subsection (b), and the state traffic fines deposited to the~~
12 ~~credit of that fund under Section 542.4031(g)(1), Transportation~~
13 ~~Code, equals \$250 million for that year. If in any state fiscal~~
14 ~~year the amount received by the comptroller under those laws for~~
15 ~~deposit to the credit of the general revenue fund exceeds \$250~~
16 ~~million, the comptroller shall deposit the additional amount to the~~
17 ~~credit of the Texas mobility fund.]~~

18 SECTION 9. Section 502.357(b), Transportation Code, is
19 amended to read as follows:

20 (b) Fees collected under this section shall be deposited to
21 the credit of the state highway fund. Subject to appropriations,
22 the money shall be used by the Department of Public Safety to:

23 (1) support the Department of Public Safety's
24 reengineering of the driver's license system to provide for the
25 issuance by the Department of Public Safety of a driver's license or
26 personal identification certificate, to include use of image
27 comparison technology; and

1 (2) ~~[establish and maintain a system to support the~~
2 ~~driver responsibility program under Chapter 708, and~~

3 ~~(3)~~ make lease payments to the master lease purchase
4 program for the financing of the driver's license reengineering
5 project.

6 SECTION 10. Section 521.205(a), Transportation Code, is
7 amended to read as follows:

8 (a) The department by rule shall provide for approval of a
9 driver education course conducted by the parent, stepparent, foster
10 parent, legal guardian, step-grandparent, or grandparent of a
11 person who is required to complete a driver education course to
12 obtain a Class C license. The rules must provide that:

13 (1) the person conducting the course possess a valid
14 license for the preceding three years that has not been suspended,
15 revoked, or forfeited in the past three years for an offense that
16 involves the operation of a motor vehicle;

17 (2) the student driver spend a minimum number of hours
18 in:

19 (A) classroom instruction; and

20 (B) behind-the-wheel instruction;

21 (3) the person conducting the course not be convicted
22 of:

23 (A) criminally negligent homicide; or

24 (B) driving while intoxicated;

25 (4) the person conducting the course not be disabled
26 because of mental illness; and

27 (5) at the time a person begins conducting the course,

1 the person not have been convicted of:

2 (A) three or more moving violations described by
3 Section 542.304, Transportation Code, including violations that
4 resulted in an accident; or

5 (B) two or more moving violations described by
6 Section 542.304, Transportation Code, that resulted in an accident
7 ~~[conducting the course not have six or more points assigned to the~~
8 ~~person's driver's license under Subchapter B, Chapter 708, at the~~
9 ~~time the person begins conducting the course].~~

10 SECTION 11. Subchapter C, Chapter 542, Transportation Code,
11 is amended by adding Section 542.304 to read as follows:

12 Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES. (a)
13 The department by rule shall designate the offenses involving the
14 operation of a motor vehicle that constitute a moving violation of
15 the traffic law for the purposes of:

- 16 (1) Article 102.022(a), Code of Criminal Procedure;
- 17 (2) Section 1001.257, Education Code;
- 18 (3) Section 411.110(f), Government Code;
- 19 (4) Sections 773.0614(b) and 773.06141(a), Health and
20 Safety Code; and
- 21 (5) Section 521.205(a), Transportation Code.

22 (b) The rules must provide that for the purposes of the
23 provisions described in Subsection (a), moving violations:

- 24 (1) include:
 - 25 (A) a violation of a traffic law of this state,
26 another state, or a political subdivision of this or another state;
27 and

1 (B) an offense under Section 545.412; and

2 (2) do not include:

3 (A) an offense committed before September 1,
4 2003;

5 (B) the offense of speeding when the person
6 convicted was at the time of the offense driving less than 10
7 percent faster than the posted speed limit, unless the person
8 committed the offense in a school crossing zone; or

9 (C) an offense adjudicated under Article 45.051
10 or 45.0511, Code of Criminal Procedure.

11 SECTION 12. Section 542.4031(h), Transportation Code, is
12 amended to read as follows:

13 (h) Notwithstanding Subsection (g)(1), in any state fiscal
14 year the comptroller shall deposit 67 percent of the money received
15 under Subsection (e)(2) to the credit of the general revenue fund
16 only until the total amount of the money deposited to the credit of
17 the general revenue fund under Subsection (g)(1) [~~and Section~~
18 ~~780.002(b), Health and Safety Code,~~] equals \$250 million for that
19 year. If in any state fiscal year the amount received by the
20 comptroller under Subsection (g)(1) [~~these laws~~] for deposit to the
21 credit of the general revenue fund exceeds \$250 million, the
22 comptroller shall deposit the additional amount to the credit of
23 the Texas mobility fund.

24 SECTION 13. Section 601.233(a), Transportation Code, is
25 amended to read as follows:

26 (a) A citation for an offense under Section 601.191 issued
27 as a result of Section 601.053 must include, in type larger than

1 other type on the citation, [~~except for the type of the statement~~
2 ~~required by Section 708.105,~~] the following statement:

3 "A second or subsequent conviction of an offense under the Texas
4 Motor Vehicle Safety Responsibility Act will result in the
5 suspension of your driver's license and motor vehicle registration
6 unless you file and maintain evidence of financial responsibility
7 with the Department of Public Safety for two years from the date of
8 conviction. The department may waive the requirement to file
9 evidence of financial responsibility if you file satisfactory
10 evidence with the department showing that at the time this citation
11 was issued, the vehicle was covered by a motor vehicle liability
12 insurance policy or that you were otherwise exempt from the
13 requirements to provide evidence of financial responsibility."

14 SECTION 14. Chapter 708, Transportation Code, is repealed.

15 SECTION 15. (a) Notwithstanding the repeal by this Act of
16 Chapter 708, Transportation Code, a surcharge imposed under former
17 Chapter 708 of that code before the effective date of this Act is
18 governed by the applicable law in effect before the effective date
19 of this Act, and the former law is continued in effect for that
20 purpose.

21 (b) Article 102.023, Code of Criminal Procedure, as added by
22 this Act, applies only to a cost on conviction for an offense
23 committed on or after the effective date of this Act. An offense
24 committed before the effective date of this Act is governed by the
25 law in effect when the offense was committed, and the former law is
26 continued in effect for that purpose. For purposes of this section,
27 an offense was committed before the effective date of this Act if

1 any element of the offense occurred before that date.

2 SECTION 16. This Act takes effect September 1, 2015.